

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FRANCISCO ENCARNACION MENDEZ)
Petitioner)
)
vs.) Civil Action No. 05-1274
) Judge Terrence F. McVerry/
PEOPLE OF THE STATE OF NEW YORK) Magistrate Judge Amy Reynolds Hay
THOMAS HOGAN,)
)
) Respondents)

ORDER OF COURT

AND NOW, this 6th day of December, 2005, after the petitioner, Francisco Encarnacion Mendez, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that this action is transferred forthwith to the United States District Court for the Middle District of Pennsylvania;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Francisco Encarnacion Mendez
87011-FC-42
York County Prison
3400 Concord Road
York, PA 17402